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LAS VEGAS METROPOLITAN POLICE DEPARTMENT

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 CHRIS HARLOW and DEMIA HARLOW,

CASE NO.: 2:17-cv-02082-RFB-CWH

12 Plaintiffs,

13 vs.

**STIPULATION TO EXTEND
DISCOVERY**

(First Request)

14 NEVADA PROPERTY 1 LLC d/b/a THE
COSMOPOLITAN OF LAS VEGAS; LAS
VEGAS METROPOLITAN POLICE
15 DEPARTMENT; GRAY CLARKE; DOES 1-
30, inclusive; and, ROE CORPORATIONS 1-
16 10, inclusive.

17 Defendants.

18 IT IS HEREBY STIPULATED AND AGREED between the parties that the discovery cut-
19 off date of May 16, 2018, be continued for a period of sixty (60) days up to and including July 16,
20 2018, for the purpose of allowing the parties to complete written discovery, retain and disclose
21 expert witnesses, and take depositions of the parties.

DISCOVERY COMPLETED TO DATE

22
23 Plaintiff and Defendants, LAS VEGAS METROPOLITAN POLICE DEPARTMENT,
24 ("LVMPD") and NEVADA PROPERTY 1 LLC d/b/a THE COSMOPOLITAN OF LAS VEGAS

1 (“Cosmopolitan”) have exchanged their initial Rule 26(f) Disclosures.

2 LVMPD served its initial written discovery requests (Interrogatories, Requests for
3 Admissions and Requests for Production of Documents) on Plaintiffs. Plaintiffs have responded to
4 the Interrogatories and Requests for Production of Documents; responses to the Requests for
5 Admissions are due February 26, 2018. Similarly, Cosmopolitan served its initial written discovery
6 requests on Plaintiffs; which responses are currently outstanding.

7 LVMPD has served several third-party subpoenas and has received responses to some of the
8 subpoenas. There are still some outstanding responses due.

9 **DISCOVERY YET TO BE COMPLETED**

10 LVMPD is currently preparing a disclosure with materials it has received to date from
11 responses to subpoenas. LVMPD will make an additional supplement once additional responses are
12 received. Plaintiffs will respond to Cosmopolitan’s outstanding written discovery requests. The
13 parties will conduct several depositions of the individual parties and third parties. The parties will
14 also disclose expert and rebuttal expert witnesses.

15 **REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

16 The parties have been actively engaged in discovery in this matter. However, LVMPD is
17 not able to obtain an expert report without documents from third-parties which are slowly being
18 received in response to the subpoenas. The materials exchanged by the parties and received in
19 response to subpoenas to date are voluminous. The current deadline to disclose expert reports is
20 March 19, 2018. Due to the amount of materials the experts must review and because there is some
21 discovery still outstanding, the experts will need additional time to review all materials before
22 preparing their reports. As such, the parties require additional time to continue discovery and
23 provide the information to experts.

24 ///

PROPOSED EXTENDED DEADLINES

Accordingly, it is hereby stipulated and respectfully requested that this Court enter an order as follows:

(A) Discovery Deadline.

That the current discovery cut-off date of May 16, 2018, be extended for a period of sixty (60) days, up to and including July 16, 2018.

(B) Experts and Rebuttal Experts.

The parties, and each of them, shall disclose their experts to each other at least sixty (60) days before the discovery cut-off date, or by May 18, 2018. The parties, and each of them, shall disclose rebuttal experts at least thirty (30) days after the initial date for disclosure of experts, or by June 18, 2018.

(C) Dispositive Motions.

All pretrial motions, including but not limited to, discovery motions, motions to dismiss, motions for summary judgment, and all other dispositive motions shall be filed and served no later than thirty (30) days after the close of discovery, which is by August 14, 2018.

(D) Motions in Limine/Daubert Motions.

Under LR 16-3(b), any motions in limine, including Daubert type motions, shall be filed and served thirty (30) days prior to the commencement of Trial. Oppositions shall be filed and served and the motion submitted for decision fourteen (14) days thereafter. Reply briefs will be allowed only with leave of the Court.

(E) Pretrial Order.

Pursuant to LR 26(1)(e)(5) the Joint Pretrial Order shall be filed with this Court no later than thirty (30) days after the date set for filing dispositive motions, which shall be by September 13, 2018, unless dispositive motions are filed, in which case the date for filing the Joint Pretrial Order

1 shall be suspended until thirty (30) days after the decision on the dispositive motions or further
2 order of this Court. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections shall be
3 included in the final pretrial order.

4 **(F) Interim Status Report.**

5 In accordance with LR 26-3, not later than sixty (60) days before the discovery cut-off, the
6 parties shall submit an interim status report stating the time they estimate will be required for trial
7 giving three (3) alternative available trial dates, and stating whether in the opinion of counsel who
8 will try the case, trial will be eliminated or its length affected by substantive motions. The status
9 report shall be signed by counsel for each party or the party, if appearing in *pro se*. The parties
10 shall file the interim status report by May 18, 2018.

11 **(G) Extensions or Modification of the Discovery Plan and Scheduling Order.**

12 In accordance with LR 26-4, applications to extend any date set by the discovery plan,
13 scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be
14 supported by a showing of good cause for the extension. All motions or stipulations to extend a
15 deadline set forth in a discovery plan shall be received by the Court not later than twenty-one (21)
16 days before the expiration of the subject deadline. A request made after the expiration of the
17 subject deadline shall not be granted unless the movant demonstrates that the failure to set was the
18 result of excusable neglect. Any motion or stipulation to extend a deadline or to reopen discovery
19 shall include:

- 20 (a) A statement specifying the discovery completed;
- 21 (b) A specific description of the discovery that remains to be completed;
- 22 (c) The reasons why the deadline was not satisfied or the remaining discovery was not
- 23 completed within the time limits set by the discovery plan; and
- 24 (d) A proposed schedule for completing all discovery.

1 This extension request is made in good faith, jointly by the parties, to allow additional time
2 for the parties to conduct additional discovery, take depositions and expert reports to be prepared
3 and disclosed. This request is timely pursuant to LR 26-4. Trial in this matter has not yet been set
4 and dispositive motions have not yet been filed. As such, this extension will not delay this case.
5 Moreover, since this request is a joint request, neither party will be prejudiced. The extension will
6 allow the parties the time needed to adequately prosecute this case.

7 DATED this 20th day of February, 2018.

8 KAEMPFER CROWELL

CISNEROS & MARIAS

9 By: /s/ Lyssa S. Anderson

By: /s/ Jason C. Foulger

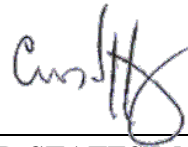
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18 **Attorneys for Plaintiffs**

17 **IT IS SO ORDERED:**



UNITED STATES MAGISTRATE JUDGE

19 DATED: February 21, 2018

20 CASE NO.: 2:17-cv-02082-RFB-CWH